

1. Technical Studies

39. As indicated in the attached channel study, Figure 29, Channel 300C can be allotted to Randolph in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Randolph. See Figure 30.

2. Change in Community of License

40. The relocation of KUDD(FM) from Roy to Randolph complies with the Commission's policy in *Community of License, supra*. The attached channel study, Figure 29, demonstrates that the proposed allotment of Channel 300C at Randolph is mutually exclusive with the current allotment of Channel 300C at Roy. Roy will retain existing local service, because Station KANN(AM) will remain licensed to Roy. The provision of first local services at American Fork, Utah (2000 U.S. Census pop. 21,941), Milford, Utah (2000 U.S. Census pop. 1,451) and Kaysville, Utah (2000 U.S. Census pop. 20,351), under priority (3), and first aural service to 270 persons, under priority (1), is preferred over the retention of a second local service to Roy (2000 Census pop. 32,885) under priority (4). The loss area will continue to receive adequate aural service. See Figure 32.

41. Randolph has previously been determined to be qualified as a community by virtue of the allotment of Channel 272A. See *Randolph, Utah*, 12 FCC Rcd 8311 (1997). Randolph is listed in the 2000 U.S. Census with a population of 483 persons and therefore is presumed to have the status of a community for allotment purposes. See *Arnold and Columbia, California, supra*. Millcreek reiterates that, as the licensee of KUDD(FM), it will apply for Channel 300C to serve Randolph and construct the facility if a permit is granted.

L. STATION KTYN(FM), THAYNE, WYOMING

42. In order to allot Channel 290C to Centerville, a channel substitution must be made for Channel 290C1 at Thayne, Wyoming. Channel 286C1 can be allotted to Thayne at the new

reference coordinates in compliance with the Commission's spacing rules provided that changes are made at Diamondville, Wyoming and Dubois, Idaho, as discussed below. *See* Figure 34.

43. College Creek was the winning bidder in Auction No. 37 for Channel 290C1 at Thayne. College Creek was granted a construction permit for Station KTYN on Channel 290C3 at Thayne, using a different transmitter site location.¹³ Channel 286C3 can also be substituted for 290C3 at the transmitter site specified in the construction permit. *See* Figure 37. College Creek hereby states that it will file an application for the new channel and construct the facilities if its application is granted.

M. VACANT CHANNEL 286A, DUBOIS, IDAHO

44. In order to allot Channel 286C1 at Thayne, Wyoming, Channel 243A must be substituted for vacant Channel 286A at Dubois, Idaho. Channel 286A was allotted to Dubois in *Ammon and Dubois, Idaho*, 20 FCC Rcd 10626 (2005). Channel 243A can be allotted to Dubois at a new transmitter site provided that a change is made at Ashton, Idaho as discussed below. *See* Figure 56. From the new transmitter site, the station will place a 70 dBu contour over all of Dubois. *See* Figure 57. Since the channel is vacant, no consent is necessary to make the change.

N. NEW CHANNEL 243C2, ASHTON, IDAHO

45. In order to allot Channel 243A at Dubois, Channel 259A must be substituted for Channel 243C2 at Ashton, Idaho. College Creek holds a construction permit for the new facility on Channel 243C2 at Ashton. Channel 259A can be allotted to Ashton at the transmitter site specified in the construction permit. *See* Figure 59. The facility will continue to place a 70 dBu contour over all of Ashton. *See* Figure 60. Channel 259A is also short-spaced to the allotment of Channel 259C at Meeteetse, Wyoming proposed in the *NPRM*. Therefore, the Joint Parties'

¹³ BNPH-20041228AAB.

counterproposal is mutually exclusive with the *NPRM*. As discussed below, an alternate channel is available for allotment at Meeteetse, thus resolving the conflict.

46. College Creek is the holder of the construction permit at Ashton. College Creek hereby states that it will file an application for the new channel at Ashton and construct the facilities if its application is granted.

O. PROPOSED CHANNEL 259C, MEETEETSE, WYOMING

47. As discussed above, the Joint Parties' proposal conflicts with the proposed allotment of Channel 259C at Meeteetse, Wyoming. The Commission had proposed the Meeteetse allotment on its own motion in order to eliminate a short spacing associated with the community's current vacant allotment. The Joint Parties offer the following substitute channels, Channels 292C, 288C, 267C, and 265C, which can be allotted to Meeteetse to resolve the conflict. Channel 288C would also eliminate the preexisting short spacing. However, if for some reason the substitute channel cannot be allotted, the Joint Parties' counterproposal, with first local services at American Fork, Utah (2000 U.S. Census pop. 21,941), Milford, Utah (2000 U.S. Census pop. 1,451) and Kaysville, Utah (2000 U.S. Census pop. 20,351), under priority (3), and first aural service to 270 persons, under priority (1), should be preferred over the elimination of a short spacing at Meeteetse (pop. 351) under priority (4). Channel 288C can be allotted to Meeteetse at a modified transmitter site in compliance with the Commission's spacing rules. *See* Figure 62. A 70 dBu contour will be placed over Meeteetse. *See* Figure 63.

P. STATION KDWY(FM), DIAMONDVILLE, WYOMING TO OAKLEY, UTAH

48. In order to allot Channel 286C1 at Thayne, Wyoming, Station KDWY(FM), Diamondville, Wyoming, must change its channel from 287C2 to 288C and relocate to Oakley, Utah as that community's second local service.

1. Technical Studies

49. As indicated in the attached channel study, Figure 38, Channel 288C can be allotted to Oakley in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Oakley. See Figure 39.

50. The Joint Parties acknowledge that the Commission determined that this exact proposal was technically defective in *Ammon and Dubois, Idaho*, 20 FCC Rcd 10626 (2005). However, as indicated in the Joint Parties' Petition for Reconsideration filed in that proceeding, the Bureau's decision was incorrect. The Bureau determined that this allotment was defective because it would require a tower of 448 meters above ground level. This determination is irrelevant and also conflicts with the Commission's rules for Class C stations. Class C stations are required to maintain a *minimum* height above average terrain of 451 meters. 47 C.F.R. § 73.211(a)(2). This means that *every* Class C station located on relatively flat terrain will require a tower higher than 448 meters above ground level. In the *Report and Order*, the Bureau did not explain why the Joint Parties' proposal is defective when its own rules require taller towers than the one required at Oakley. Literally hundreds of non-defective Class C stations operate from towers that are 448 meters above ground level or higher. The Bureau's determination is clearly arbitrary and capricious. There is nothing defective about the Channel 288C allotment at Oakley.¹⁴

2. Change in Community of License

51. The relocation of KDWY(FM) from Diamondville to Oakley complies with the Commission's policy in *Community of License, supra*. The attached channel study, Figure 38,

¹⁴ The Commission should take into account the fact that the proposed site is an existing tower with four stations on a master antenna. Station KDWY(FM) proposes to be added to that antenna. Thus, the exact facilities are known. Station KEGA(FM) on Channel 268C is already licensed to Oakley and operates from that antenna. Thus, the Commission has already approved this site location with these same facilities for this same community!

demonstrates that the proposed allotment of Channel 288C at Oakley is mutually exclusive with the current allotment of Channel 287C2 at Diamondville. Diamondville will retain existing local service, because, as discussed below, Station KCUA(FM) is changing its community of license from Naples, Utah to Diamondville, Wyoming. Moreover, also as discussed below, Station KIFX(FM) is changing its community of license from Roosevelt to Naples, Utah. Thus, the proper comparison is the provision of first local services at American Fork, Utah (2000 U.S. Census pop. 21,941), Milford, Utah (2000 U.S. Census pop. 1,451) and Kaysville, Utah (2000 U.S. Census pop. 20,351), under priority (3), and first aural service to 270 persons, under priority (1), versus a third local service to Roosevelt (2000 Census pop. 4,299) under priority (4). The allotment of Channel 288C to Oakley will result in a net gain in 60 dBu service to 1,507,973 people. *See* Figure 40. The loss area will continue to receive adequate aural service. *See* Figure 41.

52. Oakley has previously been determined to be qualified as a community by virtue of the allotment of Channel 268C1. *See Oakley, Utah*, 12 FCC Rcd 13388 (1997). Oakley is listed in the 2000 U.S. Census with a population of 948 persons and therefore is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California, supra*. Further, Oakley is not located in an Urbanized Area and the proposed contour will not cover over 50% of an Urbanized Area. Simmons reiterates that, as the licensee of KDWY(FM), it will apply for Channel 288C to serve Oakley at a new transmitter site and construct the facility if a permit is granted.

Q. STATION KCUA(FM), NAPLES, UTAH TO DIAMONDVILLE, WYOMING

53. In order to avoid depriving Diamondville, Wyoming, of its only local service, Station KCUA(FM), Naples, Utah proposes to change its community to Diamondville, Wyoming and change its channel from 223C3 to 223C1.

1. Technical Studies

54. As indicated in the attached channel study, Figure 42, Channel 223C1 can be allotted to Diamondville in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Diamondville. *See* Figure 43.

2. Change in Community of License

55. The relocation of KCUA(FM) from Naples to Diamondville complies with the Commission's policy in *Community of License, supra*. The attached channel study, Figure 42, demonstrates that the proposed allotment of Channel 223C1 at Diamondville is mutually exclusive with the current allotment of Channel 223C3 at Naples. Naples will retain existing local service, because as discussed below, the licensee of Station KIFX(FM), Roosevelt, Utah, has agreed to change its community of license to Naples. Thus, as discussed above, the proper comparison is the provision of first local services at American Fork, Utah (2000 U.S. Census pop. 21,941), Milford, Utah (2000 U.S. Census pop. 1,451) and Kaysville, Utah (2000 U.S. Census pop. 20,351), under priority (3), and first aural service to 270 persons, under priority (1), versus a third local service to Roosevelt (2000 Census pop. 4,299) under priority (4). The loss area will continue to receive adequate aural service. *See* Figure 45.

56. 3 Point, one of the Joint Parties, is the licensee of KCUA(FM). 3 Point reiterates that as the licensee, it will apply for Channel 223C1 to serve Diamondville at a new transmitter site and construct the facility if a permit is granted.

R. STATION KIFX(FM), ROOSEVELT TO NAPLES, UTAH

57. In order to avoid depriving Naples, Utah, of its only local service, Station KIFX(FM), Roosevelt, Utah has agreed to change its community to Naples, Utah and its channel from Channel 253C2 to Channel 255C2, as described above. Millcreek reiterates that it will reimburse the licensee for its expenses in making the change in channel. Attached hereto as

Exhibit 1 is the consent statement of Evans Broadcasting, Inc., the licensee of Station KIFX(FM), agreeing to this change in community of license and transmitter site.

1. Technical Studies

58. As indicated in the attached channel study, Figure 49, Channel 255C2 can be allotted to Naples in compliance with the Commission's spacing rules. From the proposed site the station will provide a 70 dBu signal to Naples. See Figure 50.

2. Change in Community of License

59. The relocation of KIFX(FM) from Roosevelt to Naples complies with the Commission's policy in *Community of License, supra*. The attached channel study, Figure 49, demonstrates that the proposed allotment of Channel 255C2 at Naples is mutually exclusive with the current allotment of Channel 253C2 at Roosevelt. Roosevelt will retain existing local service, because Stations KNEU(AM) and KXRQ(FM) will remain licensed to Roosevelt. The provision of first local services at American Fork, Utah (2000 U.S. Census pop. 21,941), Milford, Utah (2000 U.S. Census pop. 1,451) and Kaysville, Utah (2000 U.S. Census pop. 20,351), under priority (3), and first aural service to 270 persons, under priority (1), is preferred over the retention of a third local service to Roosevelt (2000 Census pop. 4,299) under priority (4). The allotment of Channel 255C2 to Naples will result in a net gain in 60 dBu service to 31,385 people. See Figure 51. The loss area will continue to receive adequate aural service. See Figure 52.

60. Evans Broadcasting, Inc. has provided a consent statement in which it states that, as the licensee of KIFX(FM), it will apply for Channel 255C2 to serve Naples at a new transmitter site and construct the facility if a permit is granted. See Exhibit 1. Millcreek reiterates that it will reimburse the licensee for its expenses in making the change in channel.

S. VACANT CHANNEL 255C3, FRUITA, COLORADO

61. In order to allot Channel 255C2 at Naples, Utah, Channel 255A must be substituted for vacant Channel 255C3 at Fruita, Colorado. Channel 255A was allotted to Fruita in *Fruita and Hotchkiss, Colorado*, 20 FCC Rcd 10950 (2005). Channel 255A can be allotted to Fruita at its current transmitter site. See Figure 53. From the transmitter site, the station will continue place a 70 dBu contour over all of Fruita. See Figure 54. Millcreek, one of the Joint Parties, hereby states that it will file an application for Channel 255A and construct the facilities if authorized. See *Bethel Springs, Tennessee, et al.*, 17 FCC Rcd 14472 (2002).

T. STATION KUUU(FM), SOUTH JORDAN, UTAH

62. In order to allot Channel 223C1 to Diamondville, Station KUUU(FM), South Jordan, must change from Channel 223C2 to Channel 223A at a new transmitter site. Channel 223A can be allotted to South Jordan in compliance with the Commission's spacing rules. See Figure 46. The station will continue to place a 70 dBu contour over South Jordan. See Figure 47. This population is more than overcome through the substantial gains of this Counterproposal as a whole. See *Ardmore, Alabama, et al.*, 17 FCC Rcd 16332 (2002). Millcreek reiterates that as the licensee of KUUU(FM), it will apply for Channel 223A and construct the facility if a permit is granted.

U. STATION KBMG(FM), EVANSTON, WYOMING

63. In order to allot Channel 290C to Centerville, Station KBMG(FM), Evanston, Wyoming, must change from Channel 291C to Channel 292C. Channel 292C can be allotted to Evanston at the station's current coordinates in compliance with the Commission's spacing rules provided that changes are made at Superior, Wyoming. See Figure 9. Those changes will be discussed below. Rocky Mountain has provided a consent statement in which it states that, as the licensee of KBMG(FM), it will apply for Channel 292C2 to serve Evanston at its current

transmitter site and construct the facility if a permit is granted. *See* Exhibit 1. Millcreek reiterates that it will reimburse the licensee for its expenses in making the change in channel.

V. CHANNEL 293C, SUPERIOR, WYOMING

64. In order to allot Channel 292C to Evanston, a channel substitution must be made for Channel 293C, Superior, Wyoming. Channel 298C can be allotted to Superior at the allotment's current coordinates in compliance with the Commission's spacing rules provided that the change is made at Kemmerer, Wyoming. *See* Figure 33.

65. Channel 293C was awarded in Auction No. 37 to College Creek. College Creek subsequently applied for and was granted a construction permit for Channel 293C1 at Superior, using a new transmitter site.¹⁵ However, the substitution of Channel 298C1 can also be made at the 293C1 transmitter site, provided that the same change is made at Kemmerer. College Creek hereby states that it file an application specifying the new channel and construct the facilities if its application is granted.

IV. CONCLUSION

Grant of this Counterproposal is in the public interest because it will provide new first local services at American Fork, Milford and Kaysville, Utah, a net gain in radio service to 3,629,760 people, and first aural service to 270 persons. All communities will retain local service. The Joint Parties are confident that the changes can be implemented smoothly with a minimum of disruption. Accordingly, the Commission should grant this Counterproposal.

¹⁵ BNPH-20041228AAC.

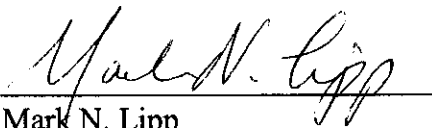
Respectfully submitted,

MILLCREEK BROADCASTING, LLC

SIMMONS SLC-LS, LLC

3 POINT MEDIA – COALVILLE, LLC

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September 19, 2005

EXHIBIT 1



ENGINEERING STATEMENT

IN SUPPORT OF A

COUNTERPROPOSAL

MB DOCKET 05-243

**Millcreek Broadcasting, LLC
Simmons SLC-LS, LLC
3 Point Media – Coalville, LLC
College Creek Broadcasting LLC**

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September 19, 2005

ENGINEERING STATEMENT

**In Support of a
Counterproposal
MB Docket 05-243
The Joint Parties
Meeteetse, WY**

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ENGINEERING STATEMENT

**In Support of a
Counterproposal
MB Docket 05-243
The Joint Parties
Meeteetse, WY**

Introduction

Millcreek Broadcasting, LLC ("Millcreek"), licensee of Stations KNJQ(FM), Manti, Utah, KUUU(FM), South Jordan, Utah, and KUDD(FM), Roy, Utah; Simmons SLC-LS, LLC ("Simmons"), licensee of Stations KDWY(FM), Diamondville, Wyoming, KAOX(FM), Kemmerer, Wyoming, and KRAR(FM), Brigham City, Utah; 3 Point Media – Coalville, LLC ("3 Point"), licensee of Station KCUA(FM), Naples, Utah; and College Creek Broadcasting LLC ("College Creek"), permittee of new stations 293C1 Superior, WY, 290C3 Thayne, WY, and 296C2 Huntington, UT, (together, the "Joint Parties") hereby offers the instant engineering statement in support of its counterproposal to the *Notice of Proposed Rule Making*, DA 05-2205 (rel. July 29, 2005) ("*NPRM*") in the above-captioned proceeding. The counterproposal is mutually exclusive to MB Docket 05-243, which proposes the allocation of channel 259C at Meeteetse, WY, as that community's first local service.

All proposed spectrum modifications are first demonstrated by a channel or allocations study. The study shows the spacings to all known FM entries in the Commission's database, and it also establishes if additional spectrum modifications are required. Spectrum modifications that require antenna site relocations, class changes or community of license changes are followed by a series of maps demonstrating compliance with all current Commission allotment rules.

The Joint Petitioners counterproposal creates first aural reception service to 270 persons in west central Utah and east central Nevada under Priority 1 of the Commission's allotment priorities. It also provides first local services at American Fork, Utah (population 21,941), Kaysville, Utah (population 20,351), and Milford, Utah (Population 1,451). While the total population of these communities (43,743) dwarfs that of Meeteetse, WY (population 351), the instant counterproposal continues to provide for first local aural service at Meeteetse on channel 288C instead of 259C. In fact, at the site proposed for Channel 288C at Meeteetse, the Joint Parties' counterproposal has the added benefit of providing first aural service to 6 persons and a portion of US Highways 26 and 287 which are major

access routes used by visitors to Yellowstone and Grand Teton National Parks also under Priority 1. In addition to the dramatic increase in population receiving new service, the instant counterproposal is preferred as it creates first local service under Priority 3 of the Commission's allotment priorities at five communities while the addition of only 259C at Meeteetse only provides first local service under Priority 3 to a single community. The counterproposal has the added benefit of creating second local services at Oakley, Utah (population 948) and Randolph, Utah (population 483) under Priority 4. Finally, the net increase in total population served as a result of the counterproposal is 3,629,760 persons under Priority 4.

The following page includes a summary of the changes proposed to the FM Table of Allotments (listed alphabetically by state).

City	Current	Proposed
Fruita, CO	260C, 255C3	260C, 255A
Ashton, ID	243C2	259A
Dubois, ID	286A	243A
Idaho Falls, ID	241C, 256C1, 277C1, 288C1, 296C1	241C, 256C1, 277C1 288C1, 300C1
Shelley, ID	-----	297C1
American Fork, UT	-----	286C
Brigham City, UT ¹	295C	-----
Centerville, UT	289C	290C
Huntington, UT	296C2	297C2
Kaysville, UT	-----	298C
Manti, UT ²	286C	-----
Milford, UT	-----	285C
Naples, UT	223C3	255C2
Oakley, UT	268C	268C, 288C
Orem, UT	219A, 298C	219A
Randolph, UT	272C	272C, 300C
Roosevelt, UT	232C1, 253C2	232C1
Roy, UT ³	300C	-----
South Jordan, UT	223C2	223A
Spanish Fork, UT	293C	294C
Vernal, UT	288C2	245C2
Woodruff, UT	264C	264C, 296C
Diamondville, WY	287C2	223C1
Evanston, WY	252C2, 291C	252C2, 292C
Kemmerer, WY ⁴	297C2	-----
Meeteetse, WY	-----	288C
Superior, WY	293C	298C
Thayne, WY	290C1	286C1

The Joint Parties' counterproposal is presented first with a Methods section that demonstrates the end results and the spectrum changes, and sub changes where needed, required to implement the request. A section entitled Exhibits Explained follows this. It lists each technical exhibit and the data it documents.

¹ Brigham City, UT, will continue to be served by KXOL (AM) 1660 kHz.

² Manti, UT, will continue to be served by KMTI (AM) 650 kHz.

³ Roy, UT, will continue to be served by KANN (AM) 1120 kHz.

⁴ Kemmerer, WY, will continue to be served by KMER (AM) 950 kHz

Methods

- f) **285C Milford, UT** The Joint Parties propose to add channel 285C at Milford, Utah, as that community's first local service. The allotment of channel 285C at Milford at coordinates N38-31-11, W113-17-07, creates a short space to one facility: a) KNJQ channel 286C Manti, UT of 38.58 kilometers.
- a) **KNJQ** To eliminate the short space created by the proposed allotment at Milford, the Joint Parties propose to delete channel 286C at Manti, UT and allot it to American Fork, UT, as that community's first local service at coordinates N40-39-34, W112-12-05. Currently channel 286C at Manti is used by KNJQ, and the Joint Parties request that its license be modified accordingly. The allotment of channel 286C at American Fork is short to channel 286C at Manti by 176.40 kilometers. Thus, the community of license change is MX. The allotment of KNJQ at American Fork is short spaced to one facility: i) KXRV channel 289C Centerville, UT of 104.5 kilometers.
- i) **KXRV** To eliminate the short space between the proposed allotment of channel 286C at American Fork (KNJQ) and 289C at Centerville (KXRV), the Joint Parties propose the deletion of channel 289C and the substitution of channel 290C at the licensed site of KXRV. The instant substitution creates the following short spacings; (1) KBMG channel 291C at Evanston, WY, is 136.48 kilometers short. (2) KOSY channel 293C Spanish Fork, UT, is 105 kilometers short. (3) AL 290C1 Thayne, WY, is 25.08 kilometers short. (4) KLCY-FM 290A Vernal, UT, is 2.82 kilometers short.
- (1) **KBMG** Presently KBMG operates on channel 291C. In order to eliminate the short spacing to channel 290C at Centerville, the Joint Parties propose to substitute channel 292C for channel 291C at the licensed facility of KBMG. This creates short spacing to the following facilities; (2) KOSY channel 293C Spanish Fork, UT, is short by 136.48 kilometers. (b) The allotment site for 293C at Superior, WY is 44.22 kilometers short.
- (2) **KOSY** Presently KOSY operates on channel 293C. In order to eliminate the short spacing to channel 290C at Centerville, UT and channel 292C at Evanston, WY, the

Joint Parties propose to substitute channel 294C for channel 293C at the licensed site of KOSY. This substitution creates a short spacing to only one additional facility: (i) KRAR channel 295C Brigham City, UT, is short by 116.07 kilometers. Note, the proposed substitution of channel 294C at Spanish Fork for KOSY is occurring at the licensed site for KOSY and, although this site does not appear at first glance to be close enough to cover the community of license of Spanish Fork, UT, with the 67.7 kilometer Class C contour, the licensee of KOSY has demonstrated that a Class C station at this licensed site adequately serves its community of license through the use of an alternate propagation showing (see BMPH 20011206AAT). Therefore, the fully spaced substitution of channel 294C for 293C at the licensed site meets the requirements of the Rules for KOSY.

- (i) **KRAR** Presently KRAR operates on channel 295C licensed to Brigham City. To eliminate the short space to the substitution of channel 294C (KOSY) Spanish Fork, UT, the Joint Parties propose to delete channel 295C from Brigham City and allocate channel 296C1 at Woodruff, Utah, for use by KRAR at coordinates N40-56-07, W111-00-03. The distance between the licensed site of KRAR 295C and the proposed allotment site of channel 296C at Woodruff is 68.86 kilometers short spaced. Therefore, the community of license change is MX. The proposed allotment creates two new shortspaces: 1. KAOX 297C1 is 67.91 kilometers short. 2. the Construction Permit for ALLO 296C2 Huntington, UT is 31.53 kilometers short.

1. **KAOX** Presently KAOX operates on channel 297C1. To eliminate the short space between the proposed allotment of channel 296C at Woodruff for use by KRAR and KAOX channel 297C1 at Kemmerer, Wyoming, the Joint Parties propose to delete channel 297C1 from Kemmerer and add 297C1 at Shelley, Idaho, for use by KAOX at coordinates N43-02-00, W111-55-34. The distance between the licensed site of KAOX and the proposed allotment site of channel 297C1 at Shelley is 67.5 kilometers short spaced. Therefore, the community of license change is MX. The proposed

allotment creates one shortspace: a. KQEO 296C1 is 119.84 kilometers short.

- a. **KQEO** Presently KQEO operates on channel 296C1 and has a pending Application to operate on channel 299C1. The Joint Parties propose to eliminate the short spacing between the allotment of channel 297C1 at Shelley and KQEO 296C1 Idaho Falls by substituting channel 300C1 for 296C1 at Idaho Falls at coordinates N43-46-04, W111-57-57. This substitution is fully spaced to all other allotments, applications, and authorizations
2. **CP 296C2 Huntington, UT** The Joint Parties propose to eliminate the short spacing between the allotment of channel 296C at Woodruff and channel 296C2 at Huntington by substituting channel 297C2 at coordinates N39-10-41, W111-01-22 at Huntington. This substitution creates one short space: a. KENZ channel 298C Orem, UT is short by 42.31 kilometers.
 - a. **KENZ** Presently KENZ operates on channel 298C. The Joint Parties propose to eliminate short space between channel 297C2 at Huntington and KENZ by deleting channel 298C at Orem and allocating channel 298C at Kaysville, UT, for use by KENZ at coordinates N40-39-34, W112-12-05. The allotment of channel 298C at Kaysville is short to channel 298C at Orem by 241.69 kilometers. Thus, the community of license change is MX. This change creates one new short-spacing: i. KUDD channel 300C Roy, UT is short by 35.12 kilometers.
 - i. **KUDD** Presently KUDD operates on channel 300C. The Joint Parties propose to eliminate the short space created when 298C is added at Kaysville for KENZ by deleting channel 300C at Roy and allocating it to Randolph, UT, at coordinates N41-04-48, W111-05-32 for use by KUDD. No other spectrum changes are needed to affect this change.

(b) **ALLO 293C Superior, WY** To eliminate the short space between the proposed allotment of channel 292C at Evanston (KBMG) and channel 293C at Superior, Wyoming, the Joint Parties propose the deletion of channel 293C and the substitution of channel 298C at the station's original allotment site. No other spectrum changes are needed to affect this change since KAOX 297C1 at Kemmerer has already been proposed to move to Shelley, ID, on 297C1 thereby eliminating any conflict with 298C at Superior. Note, in FCC Auction 37, College Creek Broadcasting Inc., was the high bidder for this station and has, since, been granted a Construction Permit to operate the station on Channel 293C1 at a site 40.46 kilometers south of the 293C original allotment site (BNPH-20041228AAC). The station has not yet commenced operations and has not been issued a License to cover the Construction Permit. Therefore, pursuant to a condition on the Construction Permit, channel 293C remains assigned to Superior in the FM Table of Allotments. As such, any changes offered herein should accommodate the original allotment site with a fully spaced equivalent class channel. Since KAOX is proposed to move to Shelley, ID, on 297C1, the substitution of channel 298C at this site for Superior meets this requirement.

(3) **KTYN 290C1 / CP 290C3 Thayne, WY** To eliminate the short space between the proposed allotment of channel 290C at Centerville (KXRV) and KTYN channel 290C1 at Thayne, Wyoming, the Joint Parties propose the deletion of channel 290C1 and the substitution of channel 286C1 at coordinates N42-55-28, W111-01-57. The proposed allotment creates two short spaces: (a) KDWY 287C2 Diamondville, WY, is 29.22 kilometers short. (b) ALLO 286A Dubois, ID, is 29.58 kilometers short. Note, in FCC Auction 37, College Creek Broadcasting Inc., was the high bidder for this station and has, since, been granted a Construction Permit to operate the station on Channel 290C3 at a site northeast of the 290C1 original allotment site (BNPH-20041228AAB). The station has not yet commenced operations and has not been issued a License to cover the Construction Permit. Therefore, pursuant to a condition on the Construction Permit, channel 290C1 remains assigned to Thayne in the FM Table of Allotments. As such, the original allotment site must be fully spaced to all other allotments, applications, and

authorizations. The substitution of channel 286C1 at the site proposed above meets this requirement.

(a) **KDWY** Presently, KDWY operates on channel 287C2. The Joint Parties propose to eliminate short space between channel 286C1 at Thayne (KTYN) and KDWY by deleting channel 287C2 at Diamondville and allocating channel 288C at Oakley, UT, for use by KDWY at coordinates N40-52-16, W110-59-43. The allotment of channel 288C at Oakley is short to channel 287C2 at Diamondville by 72.46 kilometers. Thus, the community of license change is MX. This change creates one new short-spacing: (4) the permitted site for KLCY-FM channel 288C2 Vernal, UT is short by 132.88 kilometers. Note: the deletion of channel 287C2 at Diamondville will deprive that community of its sole local aural service. Replacement service shall be provided by: (i) KCUA Naples, UT. It should also be noted that the proposed allotment site for KDWY on 288C at Oakley is located at an existing transmitter site owned by members of the Joint Parties. In fact, station KEGA 268C is also licensed to Oakley, Utah, and is licensed at this location. It is the Joint Parties' intention to co-locate KDWY 288C Oakley onto the community antenna currently used by KEGA 268C Oakley.

(i) **KCUA** Presently KCUA is allocated to Naples, UT, on channel 223C3. In order to replace service at Diamondville, the Joint Parties propose to delete channel 223C3 at Naples and allot channel 223C1 at Diamondville at coordinates N41-54-14, W110-31-06. The allotment of channel 223C1 at Diamondville is short to KCUA's licensed site at Naples by 43.96 kilometers. Thus, the community of license change is MX. This allotment creates one short space: 1. KUUU 223C2 is 26.09 kilometers short. Finally, the deletion of channel 223C3 at Naples will deprive that community of its sole local aural service. Replacement service shall be provided by 2. KIFX Roosevelt.

1. **KUUU** Presently KUUU operates on channel 223C2 at South Jordan. The allotment of channel 223C1 at Diamondville creates a short space to KUUU of 26.09 kilometers. The Joint Parties propose to eliminate the short spacing by downgrading KUUU to 223A and using a modified site with coordinates

N40-27-11, W111-56-36. No additional spectrum changes are required to affect this change.

2. **KIFX**) Currently KIFX operates on channel 253C2 licensed to Roosevelt, UT. In order to replace service at Naples, the Joint Parties propose to delete channel 253C2 at Roosevelt and allot channel 255C2 to Naples at coordinates N40-33-24, W109-38-08. The allotment of channel 255C2 at Naples is short to KIFX's licensed site at Roosevelt by 51.72 kilometers. Thus, the community of license change is MX. This allotment creates one short space: a. **ALLO 255C3 Fruita, Colorado**, is 16.32 kilometers short.

- a. **ALLO 255C3 Fruita)** To eliminate the short space between the proposed allotment of channel 255C2 at Naples, UT (KIFX), and vacant channel 255C3 at Fruita, Colorado, the Joint Parties propose the deletion of channel 255C3 and the substitution of channel 255A at a modified site, at coordinates N39-12-16, W108-49-12. No additional spectrum changes are needed.

- (b) **ALLO 286A Dubois, ID**) The Joint Parties propose to eliminate the conflict between the substitution of channel 286C1 at Thayne with Vacant Allotment 286A at Dubois, Idaho, by substituting channel 243A at Dubois with a site modification 11.66 kilometers northeast to the coordinates N44-15-50, W112-09-00. The proposed substitution and site modification is short spaced to one facility: (i) the permitted site for 243C2 at Ashton, ID is 28.82 kilometers short.

- (i) **CP 259C2 Ashton, ID**) To eliminate the conflict of allotting channel 243A at Dubois with 243C2 at Ashton, the Joint Parties propose to eliminate this conflict by substituting 259A at Ashton at coordinates N44-10-18, W111-33-22. The proposed substitution is short spaced to the following: 1. the proposed allotment of channel 259C at Meeteetse, WY, by 10.71 kilometers. **This is the MX point between the instant counterproposal and the NPRM.**

1. **NPRM 259C Meeteetse, WY** To eliminate the short space between 259A at Ashton and the NPRM of channel 259C at Meeteetse, the joint parties propose the substitution of channel 288C for 259C with a slight site modification 9.6 kilometers southeast of the community at coordinates N44-05-55, W108-47-03. No other spectrum changes are necessary.

- (4) **KLCY** As mentioned previously, the substitution of channel 290C at Centerville, Utah (KXRV), is short spaced with the licensed facilities of KLCY-FM on 290A by 2.82 kilometers. Also, the deletion of channel 287C1 at Diamondville and the subsequent allotment of channel 288C at Oakley (KDWH) creates a short spacing to Permitted site of KLCY-FM of 133.38 kilometers. The Joint Parties propose to eliminate both of these conflicts by substituting channel 245C2 for channel 288C2 at the permitted KLCY site and channel 245A for channel 290A at the current KLCY licensed site. No additional spectrum changes are required to make this substitution.